IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Appl. No. 97 of 2004

1. Atul chawla
   S/o Late Sri H.N. Chawla
   R/o Rajandra Nagar
   Police Station- Vikas Nagar
   District- Dehradun
2. Rahul Chawla
   S/o Late Sri H.N. Chawla
   R/o Rajendra Naar
   Police Station- Vikas Nagr
   District-Dehradun ...Applicants

Versus

1. State of Uttaranchal
2. Komal Chawla
   W/o Shri Sri Rahul Chawla
   D/o Sri Surendra Nanda
   R/o 11/6 Guru Road, Dehradun
   District- Dehradun .....Respondents

Sri Vinod Sharma-Advocate and Sri Pramod Belwal-Advocate, Counsel for the applicants
Sri Gopal Narain, learned counsel for the respondent No.2

Hon'ble J.C.S. Rawat, J.

The petition u/s 482 Cr.P.C. has been filed to set aside the Criminal Proceeding against the applicants in Case No. 3267/2003 in case crime No. 120 of 2003 u/s 498-A, 506 I.P.C. and ¾ Dowry Prohibition Act pending before the court of Special Judicial Magistrate IInd, Dehradun.

The parties have filed compromise before this court and the compromise bears the signature of the parties.

The compromise entered between the parties shall form part of the order.

Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned case. It has been held by the Hon'ble Supreme Court in **B.S. Joshi and Ors. Vs. state of Haryana and Anr. JT 2003(3) SC 277:-**

"*12. The special features in such matrimonial maters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.*

13. The observations made by this Court, though in a slightly diffident context, in ***G.V.Rao Vs. L.H.V. Prasad and others 2000(3)SCC p/693*** *are very apt for determining the approach required to be kept I view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly extent which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counseled and brought about re-approchement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts."*

In view of the compromise entered between the parties, the proceeding against the applicants in Case No. 3267/2003 in case crime No. 120 of 2003 u/s 498-A, 506 I.P.C and ¾ Dowry Prohibition Act pending before the court of Special Judicial Magistrate IInd, Dehradun is hereby quashed.

The petition is disposed of accordingly.

(J.C.S. Rawat, J.)

2nd March, 2006
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